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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/480,343	01/10/2000	Paul Allan Ryder	9D-EC-19343-Ryder	4209

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JOHN S. BEULICK  
ARMSTRONG TEASDALE LLP  
ONE METROPOLITAN SQUARE  
SUITE 2600  
ST. LOUIS, MO 63102

EXAMINER

JONES, HUGH M

ART UNIT	PAPER NUMBER
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2128

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DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/480,343

Applicant(s)

RYDER, PAUL ALLAN

Examiner

Hugh Jones

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 01 January 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 6.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### Introduction

1. Claims 1-41 of U. S. Application 09/480,343 filed on 10-February-2000, are presented for examination.

### Specification

2. The specification, while being enabling for the express teaching within the four corners of the specification, does not reasonably provide enablement for the lack of teaching as per lines 11-16, page 13 of the specification. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention commensurate in scope with these claims.

Lines 11-16 of page 13 recite:

"There may be many variations to these diagrams or the steps (or operations) described therein without departing from the spirit of the invention. For instance, the steps may be performed in a differing order, or steps may be added, deleted or modified. All of these variations are considered a part of the claimed invention."

The variations are unknown and can only be guessed since they were not disclosed. This appears to be an improper attempt at incorporation by reference of essential non-patent matter. Such undisclosed teachings are not considered part of the specification.

**Claim Rejections - 35 USC § 112**

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 25-26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 15 recites a first and a second processor. The plain meaning of the claim, in light of the specification, is that there are two distinct processors.

5. Claim 25 recites " wherein the first processor and said second processor comprise the same processor". Such a limitation appears on the one hand to disable the base claim and, on the other hand to broaden the base claim. Regardless, the meaning of the claim is indefinite.

6. Claim 26 is of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 26 recites "wherein the first processor and said second processor comprise different processors. Claim 26 does not further limit the base claim.

**Claim Interpretations**

7. The Examiner interprets the invention to be an evaluation system for customers to evaluate products based on multiple requirements wherein performance data can be

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updated in response to user input and wherein the intended use is for home design. The prior art will be applied with that interpretation.

Furthermore, Lines 11-16 of page 13 recite:

"There may be many variations to these diagrams or the steps (or operations) described therein without departing from the spirit of the invention. For instance, the steps may be performed in a differing order, or steps may be added, deleted or modified. All of these variations are considered a part of the claimed invention."

The variations are unknown and can only be guessed since they were not disclosed.

This appears to be an improper attempt at incorporation by reference of essential non-patent matter. Such undisclosed teachings are not considered part of the specification.

**Claim Rejections - 35 USC § 102**

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1-41 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Fukuda et al..

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10. Fuduka et al. disclose a ***networked interactive VR system for home and kichen layout for customers***. They further disclose a Virtual Reality (VR) technology application, a networked VR-supported design system of a kitchen layout. This networked VR system was developed on personal computers to allow customers to design at home. With the VR system, customers can have a pseudo-experience of their "virtual kitchen", ***modify the design of the kitchen***, and make decisions by being provided with a good idea of their potential purchase. The VR system will also play an important role in user interface in the ***House Design Advisory System. This system gives advice on house design, as well as on kitchen layout design, according to the customers' diversified lifestyles. The VR allows customers to examine a design and make changes at an early stage in the process.*** Examples of VR applications are to be found in design, prototype, and space. See section 2 (layout design in the showroom); section 4 (VR system on the internet); section 5 (VR systems for customers).

### **Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following art is cumulative to the applied prior art:

- Eichel discloses a storyboard of interior design surface treatments for a commercial and/or residential interior space is generated by obtaining arrays of patterns that correspond to user search criteria, from a stored set of patterns for interior design surface treatments. The arrays of patterns are displayed on a computer display. Each array of patterns corresponds to a surface treatment product type. Subarrays of

patterns then are generated, each subarray corresponding to a surface treatment product type. The subarrays of patterns are generated in response to selection by a user from the corresponding array of patterns for the corresponding surface treatment type. Finally, at least one pattern from at least two of the subarrays of patterns are combined to produce a storyboard of interior design surface treatments for an interior space.

- Elliot discloses computerized system includes a central site with various databases and a user site connected for electronic communication over a networked communication system such as the Internet. The user site includes a computer having stored in memory an application that enables a user to develop a construction proposal including a detailed graphical model and a detailed cost estimate model, have the proposal submitted electronically over a networked communication system to a construction professional for a bid, and receive a response on the proposal from the construction professional over the networked communications system. The user accomplishes all of these tasks from a single computer environment. The application educates the user as it guides the user through a series of construction phases and steps, prompting the user to input critical information and make appropriate selections throughout the series of phases and steps.
- Nagata et al. disclose a building renovation supporting apparatus capable of drafting and presenting efficient renovation plan, the proposing means 51 creates the renovation blueprints composed of third dimensional path diagrams of particular view-point, line of sight direction and the view angle corresponding to each types of

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condition of the symbol diagram to be inputted from the inputting means 10 with many view-point information, visual line direction information and the view angle information necessary for drafting the third dimensional path diagrams being corresponding to various types of condition of one type of symbol diagrams such as position, direction, angle or the like respectively.

**12. Any inquiry concerning this communication or earlier communications from the examiner should be:**

**directed to:**

Dr. Hugh Jones telephone number (703) 305-0023, Monday-Thursday 0830 to 0700 ET, *or* the examiner's supervisor, Kevin Teska, telephone number (703) 305-9704. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist, telephone number (703) 305-3900.

**mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

(703) 308-9051 (for formal communications intended for entry)

*or* (703) 308-1396 (for informal or draft communications, please label "*PROPOSED*")

*or* "*DRAFT*").



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Dr. Hugh Jones

Primary Patent Examiner

February 7, 2004

  
HUGH JONES Ph.D.  
PRIMARY PATENT EXAMINER  
TECHNOLOGY CENTER 2100